

HAMILTON COUNTY LOCAL FAMILY LAW RULES

LR29-FL00-401. PRELIMINARY ORDERS PREAMBLE

401.10 Preliminary Orders These rules shall apply in all dissolution of marriage cases, post-dissolution matters, paternity actions and post-paternity cases shall be typewritten or prepared on the Preliminary Order forms provided by the Courts; however, the Court, at its option, may accept legibly handwritten Preliminary Orders.

LR29-FL00-402. FINANCIAL DECLARATIONS, DISSIPATION OF ASSETS, SUPPORT WORKSHEETS, VISITATION, AND CHILDREN COPE WITH DIVORCE WORKSHOP PARENTING TIME, DISPOSITION OF PROPERTY, PARENTING WORKSHOP, AND REMOVAL OF CHILDREN FROM THE STATE

402.10 Parties shall complete in full the Indiana Child Support Obligation Worksheets (**Form FL00-402A**) and Financial Declarations (**Form FL00-402B**) on the forms adopted by the Hamilton County Circuit and Superior Courts in all contested matters involving child support or disposition of assets. Parties must date and file these forms prior to any hearing or trial. Financial Declarations shall be exchanged by the parties within thirty (30) days of a new case or modification petition being filed, unless by agreement of the parties or leave of the Court, and filed with the Court not less than three working days before any preliminary hearing and not less than ten working days before the final hearing. Child Support Worksheets shall be exchanged and filed with the Court on the hearing date. Child Support Worksheets must be attached to all proposed orders and decrees addressing child support. All parties shall submit Declarations to the court as an exhibit immediately prior to any contested hearing involving child support, the disposition of assets, or maintenance.

402.20 If there are any assets or obligations not disposed of by written agreement between the parties, the litigants must prove the value of the assets and the amount of obligations at the hearing. Financial Declarations shall be considered as received in evidence subject to cross-examination. Direct examination, on matters in the Financial Declaration, should be confined to unusual factors which require explanation, or to corrections. In any Domestic Relations case filed in Hamilton County, the parties shall not, without hearing or security:

a. Transfer, encumber, conceal, sell or otherwise dispose of any joint property of the parties or asset of the marriage except in the usual course of business or for the necessities of life, without the written consent of the parties or the permission of the Court. Any party acting "in the usual course of business" or "for the necessities of life" shall provide the other party with an accounting of same at the time of or, if possible, in advance of such action. Joint property of the parties or asset of the marriage includes property in the separate name of either party or in the names of a party and another person(s) owned or owed on the date of filing the Petition, including but not limited to:

- i. Property or property interest of any kind, including real, personal, digital/electronic, and intellectual property;
- ii. Records and electronically stored information, hard drives or other electronic storage devices, computers, and cloud storage accounts;
- iii. All financial, investment, educational, and retirement accounts;
- iv. Life and health insurance policies.

b. Remove any child of the parties then residing in the State of Indiana from the State with the intent to deprive the Court of jurisdiction over such child without the prior written consent of all parties or the permission of the Court.

c. The parties shall maintain unchanged all insurance policies (including beneficiary designations) in place as of the date that the family law action was commenced, including but not limited to life, health, auto, personal property, liability, and homeowners/renters insurance, absent written consent of the parties or the permission of the court.

d. Neither party shall incur any debt in the name of the other party or in the joint names of the parties, absent written consent of the parties or the permission of the court.

e. Neither party shall terminate/cancel/modify any utilities at the marital residence from those in place as of the date that the family law action was commenced absent written consent of the parties or the permission of the court.

f. Neither party shall conceal, alter or destroy any family, health, property financial or business records or any records of income, debts, or other obligations, including electronic records, which existed as of the date that the family law action was commenced.

402.30 ~~Prior to April 1, 2001, Hamilton County Circuit and Superior Courts had adopted Visitation Guidelines which are attached for information purposes in Appendix B. Effective March 1, 2013, the Indiana Supreme Court adopted~~ **The Indiana Parenting Time Guidelines provide useful outlines of the minimum time each parent should have with the children to maintain frequent, meaningful, and continuing contact with them. The Indiana Parenting Time Guidelines can be found at <https://www.in.gov/judiciary/rules/parenting>.**

402.40 ~~In the matters of child support and child support arrearages a CCS entry must be submitted to the Court in the following form:~~

~~“Court finds Petitioner’s/Respondent’s current Child Support obligation to be \$_____ per week/month as of __/__/20__, which modifies/affirms prior Child Support Order of _____. Petitioner’s/Respondent’s arrearage established in the amount of \$_____ as of ____/____/20__. Additional payment of \$_____ per week/month toward arrearage.”~~

402.50 ~~The Circuit and Superior Courts of Hamilton County find that it would be in the best interest of the minor child or children of the parties to encourage mediation and cooperation between divorcing parents prior to and after dissolution of their marriage. The Courts further find that a~~ **Co-Parenting Mandatory Education Workshop** ~~will aid parents in post-separation parenting; aid development of healthy child/parent relationships in a post separation setting; be in the best interest of the minor child/children and; encourage agreements between the parties concerning child related matters.~~

a. Both of the parties in any cause of action for Dissolution of Marriage, in which there is a minor child/children under eighteen (18) years of age, **shall complete a co-parenting education program either online or in person. Said program shall be at least four (4) hours in duration. A list of approved course providers can be found on the Courts’ website at <https://www.hamiltoncounty.in.gov/206/Family-Law-Rules>.** ~~attend a workshop entitled “Children Cope with Divorce” (COPE). Attendance shall be mandatory for all parties in a Dissolution of Marriage action that is filed on or after February 1, 1993, if there are minor child/children under eighteen (18) years of age.~~

- b. The four-hour course shall be completed by both parties within sixty (60) days of the filing of the initiating pleading ~~Petition for Dissolution~~ and prior to the Final Hearing. **Failure to complete the workshop can result in a party being ordered to appear and show cause why he/she should not be held in contempt of court and punished.** Parties are responsible for paying the cost of this program, with allowance for a waiver of the fee for indigence.
- c. ~~The parties in this cause of action are ordered to contact:~~

~~The Visiting Nurse Service, Inc.
4701 N. Keystone Avenue
Indianapolis, IN 46205
(317) 722-8201
1-800-248-6540~~

~~within 15 days of the filing of the Petition for Dissolution or the Receipt of Summons, whichever is sooner, to make an appointment to attend the workshop without further notice. Failure to complete the workshop can result in a party being ordered to appear and show cause why he/she should not be held in Contempt of Court and punished. If the parties cannot attend the COPE workshop, with the prior approval of the Court, they may use an alternative workshop.~~

~~402.60 The Sheriff of Hamilton County is Ordered to make due service of the Notice of Order on the Respondent when the Petition for Dissolution is served and make due return thereon.~~

~~402.70 Pursuant to LR29-TR65-212, in any Domestic Relations case filed in Hamilton County, the parties shall not, without hearing or security:~~

- ~~a. Transfer, encumber, conceal, sell or otherwise dispose of any joint property of the parties or asset of the marriage except in the usual course of business or for the necessities of life, without the written consent of the parties or the permission of the Court; and/or~~
- ~~b. Remove any child of the parties then residing in the State of Indiana from the State with the intent to deprive the Court of jurisdiction over such child without the prior written consent of all parties or the permission of the Court.~~

LR29-FL00-403. ALTERNATIVE DISPUTE RESOLUTION: MEDIATION AND COLLABORATIVE LAW

403.10 Mediation is a preferred way to resolve family law issues.

a. Parties shall attend mediation before any of the following contested court hearings unless excused by the court:

i. Final hearings; and,

ii. Post-decree hearings about custody or parenting time.

b. Parties may either select a mediator by agreement or ask the Court to appoint a panel of mediators.

c. This rule does not require mediation of contempt motions that allege the failure to pay child support or interference with Court ordered parenting time.

d. A party may request to be excused from mediation in cases involving domestic violence or for other good reason.

403.20 If the parties are both represented by attorneys trained in Collaborative Law, and have signed retainer agreements with those attorneys to participate in a Collaborative Law

family law matter, they may file a Joint Petition for Dissolution, and may file a stipulation asking among other things that the case not be set for conference or hearing. If either party violates the agreement to proceed in the Collaborative Law process, the court may allow withdrawal of representation of both attorneys, if so requested.

LR29-FL00-404. TITLE IV-D COMMISSIONER/COURT

These local rules are adopted by the Hamilton County Circuit and Superior Courts to govern the practice and procedures in the Title IV-D Commissioner/Court, funded by the use of IV-D Incentive Funds.

404.10 ORGANIZATION OF TITLE IV-D CHILD SUPPORT COMMISSIONER/COURT. Pursuant to I.C. 31-25-4-15, the Judges of the Circuit and Superior Courts hereby establish a Title IV-D Commissioner/Court to establish and enforce paternity and child support orders under federal and state law.

404.10.1 ASSIGNMENT OF COMMISSIONER TO IV-D COURT. The Judges of the Circuit and Superior Courts shall jointly appoint a commissioner to the IV-D Court. A commissioner so appointed shall be designated as a IV-D Commissioner.

404.10.2 RESPONSIBILITIES OF IV-D COMMISSIONER. A IV-D Commissioner jointly appointed by the Judges and assigned to the IV-D Court pursuant to 403.10.1 has the authority to preside over, make findings of fact and recommendations for the approval of the Judges of the Circuit and Superior Courts in actions arising under Title IV-D of the Social Security Act. In addition, the IV-D Commissioner has the authority to provide such assistance as may be required in making these findings of fact and recommendations.

404.10.3 TEMPORARY ABSENCE OF IV-D COMMISSIONER. During the temporary absence of the duly appointed IV-D Commissioner, any sitting judicial officer of the Hamilton County Circuit and Superior Courts may hear and make recommendations upon Title IV-D matters.

404.10.4 SUPERVISION OF THE IV-D COMMISSIONER/COURT. The Title IV-D Commissioner/Court shall be operated under the auspices and supervision of the Judges of the Hamilton County Circuit and Superior Courts.